

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JENNIFER MAZZARELLO

*

Plaintiff

*

v.

* Civil Action No. AMD 02 CV 3576

LUCENT TECHNOLOGIES, INC.

*

Defendant

*

* * * * *

PLAINTIFF'S OPPOSITION
TO DEFENDANT'S BILL OF COSTS

Plaintiff, Jennifer Mozzarello, by and through her attorney, Paul V. Bennett, hereby opposes Defendant's Bill of Costs, and for cause says:

1. Defendant should be denied costs in this case because the question of timeliness was not clear and obvious.
2. Defendant failed to bring a Motion to Dismiss pursuant to F.R.C.P. 12(b)(6), which it should have done if the claim was so obviously and irrefutably time barred as Defense counsel argues. Consequently, defense strategizing should result in denial of costs.

WHEREFORE, for the foregoing reasons and those set forth in the attached Memorandum of Law, which is incorporated herein by reference, plaintiff respectfully requests that the Bill of Costs be denied.

Respectfully submitted,

/s/

Paul V. Bennett, Esq.
Law Office of Paul V. Bennett
133 Defense Highway, Suite 209
Annapolis, Maryland 21401
(410) 974-6000
Federal Bar No. 10324

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 9th day of September, 2003, that a copy of the foregoing Plaintiff's Opposition to Defendant's Bill of Costs as sent by electronic mail and by first class mail, postage prepaid, to Robert R. Niccolini, Esq., McGuire-Woods, LLP, 7 St. Paul Street, Suite 1000, Baltimore, Maryland 21202, Attorney for Defendant.

/s/

Paul V. Bennett, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of April, 2003, that a copy of the foregoing Request for Admission of Facts was sent by first class mail, postage prepaid, to Robert R. Niccolini, Esquire, McGuire Woods, LLP, 7 St. Paul Place, Suite 1000, Baltimore, Maryland 21202.

/s/

Paul V. Bennett, Esq.